

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

IMMANUAL C. PRICE,
Plaintiff,

v.

Z. IQBAL, et al.,
Defendants.

No. 2:20-cv-1439 KJN P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action filed pursuant to 42 U.S.C. § 1983. By order filed June 30, 2022, plaintiff's complaint was dismissed with leave to file an amended complaint. (ECF No. 54.) Plaintiff filed an amended complaint. (ECF No. 55.)

He alleges that while housed at High Desert State Prison, defendants Iqbal, Rueter, and Gates were deliberately indifferent to his serious medical needs by refusing to continue his prescription for gabapentin, which he was previously prescribed for his neuropathic pain resulting from chemotherapy treatment, and after the failure of numerous alternative pain medications.

The amended complaint states a potentially cognizable claim for relief against defendants pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1915A(b). If the allegations of the amended

1 complaint are proven, plaintiff has a reasonable opportunity to prevail on the merits of this action.

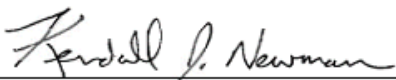
2 The Court orders that this case proceed on plaintiff's amended complaint (ECF No. 55)
3 against defendants Iqbal, Rueter, and Gates, based on their alleged deliberate indifference to
4 plaintiff's serious medical needs while housed at High Desert State Prison. Plaintiff also includes
5 a state law claim for medical malpractice. (Id. at 16.) Therefore, defendants shall file a
6 responsive pleading within thirty days from the date of this order.

7 In accordance with the above, IT IS HEREBY ORDERED that:

8 1. In accordance with 28 U.S.C. § 1915A and 42 U.S.C. § 1997(e)(c), the Court has
9 screened and found service of the amended complaint (ECF No. 55) appropriate.

10 2. Defendants Iqbal, Rueter, and Gates shall file a responsive pleading within thirty days
11 from the date of this order.

12 Dated: August 8, 2022

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14 KENDALL J. NEWMAN
15 UNITED STATES MAGISTRATE JUDGE

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